

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<b>THE UNITED STATES</b>  vs.  <b>LARRY DEAN TURNER</b> (Pro Se 1-9-81) Reg. No. 88192-132 (2-2) P. O. Box 4000 Springfield, MO 65802  Pro Se (2255) 88192-132-A P. O. Box 7000 Texarkana, TX 75501  Eric Anderson (2255 motion) Beacon Bldg. Tulsa 582-8850  Robt. W. Pittman (2255) Park/Harvey Center, Suite 510, 200 North Harvey OKC 73102, 405/239-6249	For U. S.:  <del>Ben F. Baker</del> Hubert Bryant, U.S. Atty.   For Defendant:  John Street (Apt) Thurston Natl. Bldg. Tulsa, Okla. 74103 584-4431 582-9220

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 10-1-73	Clerk				
J.S. 3 mailed 1-1-74	Marshal				
Violation Interstate forged Security	Docket fee				
Title 18					
Sec. 2314					
2 Cts- \$10,000 and/or 10 yrs.					

DATE	PROCEEDINGS
9-18-73	Def. present in person and rep. by John Street, appt. counsel. The govt rep. by B. Baker. Information filed, defendant arraigned and enters plea of NOT GUILTY as to Cts. 1&2, and case passed to Tues. Oct. 23, 1973 at 9:30 am. for jury trial. Def. granted 10 days to file motions. Def. to stand on present bond posted in 73-CR-97. Def's request for govt to furnish costs on transcript of related case granted. Order to be prepared by defendant. (AEB-J)h
9-27-73	Petition for writ of H/C Ad Testificandum for Teresa Marie Kirkley, filed.
9-27-73	Order granting writ of H/C Ad Testificandum (Kirkley), filed. (AEB-J)g
9-27-73	Writ of H/C Ad Testificandum issued. g
10-1-73	Notice setting jury trial for 10-23-73 at 10:00 a.m., filed. jj
10-11-73	Def't's Motion for Issuance of Subpoenas, filed. r
11-15-73	Writ of HC Ad Testificandum returned and filed. Teresa Marie Kirkley delivered to Tulsa 10-15-73 and returned to Kennedy Youth Center on 11-6-73, filed. jj

DATE	PROCEEDINGS
10-17-73	Hearing ex parte held in re: def's motion for issuance of subpoenas at cost of govt. Def. present and rep. by John Street, appt. counsel. Govt not rep. Statements made. It is ordered by the court that all seven witnesses are allowed at govt expense. Order granting motion filed in open court. (AEB-J)h
10-19-73	Case transferred to Judge Fred Daugherty for trial purposes and set on trailing jury docket commencing 10/23/73. (AEB-J)rm
10-29-73	Case tried to a jury 10/26/73 & 10/29/73. Parties present & represented. Rule invoked. Jury empaneled. Parties make opening statements. Testimony given. Defs. mo/judg. of acquittal - denied. Jury retires to deliberate 11:30 a.m., 10/29/73. (3:30 p.m., 10/29/73) Jury returns w/verdict & finds def. guilty as charged in Cts. 1 & 2 of inf. Case referred to Probation office for pre-sentence rept. Def. to stand on present bond (\$5000 cash): Verdict read and filed in open ct. Ct. to set sentencing at later date. (FD-J)rm
10-29-73	Trial exhibits, filed. rm
10-29-73	Verdict, filed. rm
11-8-73	Motion for new trial, filed. a
11-16-73	Ordered by the Court that this case is set for <u>Sentencing on 12-7-73</u> at 9:00 A.M. (FD-J)v -notices mailed.
11-27-73	Ltr., 11/26/73, from FD to counsel, striking def. mo/new trial unless by 11/30/73 he files brief in support thereof and attaches cert/mailling; further, if corrected, pltf. will respond to said motion w/brief by 12/5/73. (FD)rm
11-30-73	Brief of Deft, fld. v
12-4-73	Response of pltf. to def. mo/new trial, filed. rm
12-7-73	Case called for sentencing. Govt. rep. by Ben Baker; def. present in person and rep. by John Street, ct. appt. Def.'s mo/new trial overruled. Govt. directed to prepare formal order overruling. Def. & counsel asked if they have anything to say before judg. passed, & no cause to contrary:  Judgment and Commitment - Attorney General Ct. 1 - Six (6) years Ct. 2 - Six (6) years to run concurrent with sentence imposed in Count 1. Def. advised of right to appeal; deft. gives oral notice of appeal & clerk directed to spread notice of record. Appeal bond set in amt. of \$5000 cash, (present bond to serve as appeal bond). (FD-J)rm
12-7-73	Judgment and commitment, filed and entered. (FD-J)rm
12-7-73	2 c.c. of J&C to Marshal's office. rm
12-7-73	Order overruling def. mo/new trial, filed and entered. (FD-J)rm <i>Copies mailed</i>
12-17-73	Notice of Intent to Appeal, filed by Deft. v <i>(74-1023) copy sent by docket to 10th Circuit</i>
1-9-74	Transcript of evidentiary proceedings (orig + 2 copies), filed. (RLC-CSR)g
1-21-74	Appearance bond (from 73-CR-97) transferred to this case, per order of ct. at arraignment on 9/18/73. rm
1-23-74	Order, filed, that govt. furnish def. copy of transcript in case No. 28044, E.D. Okla. (per minute of 9/18/73) rm
1-25-74	Appeal record (2 vols.) sent to USCA. rm
6-5-74	Return on J&C, filed. Deft. Delivered to U.S. Pen., Leavenworth, KS, on 5-27-74. v

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DATE	PROCEEDINGS
5-2-74	Mandate and opinion of USCA affirming judg. of 12/7/73, and ordering def. to surrender himself to U.S. Marshal within 10 days from this date, filed and entered. rm
5-6-74	Appeal record (2 vols.) rec'd from USCA. g
6-26-74	Appl. (in form of ltr) for documents, etc. of def., filed. rm
6-26-74	Order, filed and entered, denying def.'s req. for documents. (FD-J)rm
7-15-74	Letter dated 7-8-74, filed, requesting transcripts and related materials, and appointment of counsel. g
7-15-74	Order, filed, denying request for transcripts and for appointment of counsel. (FD-J)g cpy to def., counsel, & Prob. Officer.
7-22-74	Two letters, filed, from def. to FD and from FD to def. re relief.rm
8-5-74	Ltr. from def. to FD, req. reduction of sentence, filed. rm
8-5-74	Affidavit of bias by def., filed. rm
8-8-74	Order, filed, denying def.'s request for reduction of sentence. (FD-J)rm (copies to counsel, def. & probation office.)
8-12-74	Order, filed and entered, denying the assertions made against Ct. in Affidavit of Bias, filed by def. on 8/5/74. (FD-J)rm - copies mailed
8-27-74	Order, filed, that bond in amt. of \$5000 be returned to Elma Medler. (FD-J)rm
8-29-74	Ltrs., filed, between FD & Def. re deposit slip and ltr. exhibit. (FD-J)rm
9-5-74	Ltrs., filed, between FD & Def. re failure of def. counsel to file Writ of Certiorari and deposit slip exhibit. Def. advised to refer to U.S. Ct. of Appeals for the Tenth Circuit re Writ of Certiorari. (FD-J)k
11-4-74	Order of USCA, filed and spread of record, recalling and staying the mandate of 4/30/74, filed in this ct. on 5/2/74, and ordering accomplishment of the following: vacating judg. of USCA of 4/8/74 (mandate) and entering said judgment as of November 1, 1974 in order to afford appellant-def. opportunity to apply to U.S. Supreme Ct. for writ of certiorari; further ordering ct. appt. counsel, John Street to prepare & file timely petition for writ of certiorari to Supreme Ct. rm
1-27-75	Carbon copy of Reporter's Transcript of Proceedings had on 9-18-73, Arraignment and Plea, filed by Larry E. Marks, CSR. v (with file 73-CR-97)
1-27-75	Carbon copy of Reporter's Transcript of Proceedings had on 10-17-73, Ex Parte Proceedings, filed by Larry E. Marks, CSR. v (with file 73-CR-97)
4-1-75	Original of reporter's transcript of proceedings had on 9/18/73, arraignment and plea, filed. (L. E. Marks-CSR)rm
4-1-75	Original of reporter's transcript of proceedings had on 10/17/73, ex parte proceedings, filed. (L. E. Marks-CSR) rm
4-15-75	Appeal record (2 vols) returned to USCA at their req. for def. to perfect cert. to U.S. Supreme Ct. rm
4-16-75	Order of USCA, filed and spread of record, once again recalling mandate previously issued on 4/8/74 and reissued on 11/1/74, and staying same and vacating same. Judg. entered on these dates is hereby entered this date to afford appellant opportunity to make appl. to Sup. Ct. for cert.; further appt. Philip Hornbein, Jr. as atty for appellant for cert. rm

DATE	PROCEEDINGS
4-16-75	Orig. mandates of 5/2/74 and 11/4/74, together w/transcripts filed on 4/1/75, transmitted to USCA at their request. rm
4-21-75	Transcript of arraignment & ex parte hrg., filed 4/1/75, received from USCA.rm
4-28-75	Transcript of sentencing proceedings, had on 12/7/73, filed. (Lee Cook-CR)rm
5-23-75	Letter from 10th circuit, filed, advising petition for writ of cert. was filed with Supreme Court on 5/12/75 and given No. 74-6520. rm
9-11-75	Transcript of Sentencing Proceedings, filed. lm
10-28-75	Letter from 10th Circuit, filed, advising that petition for writ of cert. was denied by Supreme Court of US on 10/6/75. rm
10-28-75	Letter from FD to Turner, filed, re case (w/numerous attachments).rm
11-4-75	Letters re case from Turner to FD, filed. rm
12-9	Motion of def. for reduction of sentence pursuant to Rule 35, filed. rm
1-14-76	Motion of def. to correct transcript of 9/18/73, filed. rm
1-20	Motion of def. for making available vote of grand jury, filed. rm
1-21	Order, filed, overruling def. Motion for Reduction of sentence.(FD-J)rm copies to def., U. S. Atty, and Probation
1-22	Order, filed, denying def.'s motion for making available vote of grand jury. (FD-J)ph cpy to Larry Dean Turner, John Street and Ben Baker, US Atty.
2-5	Motion of def. to correct record, re appt. of counsel, filed. rm
2-5	Motion of def. for production of transcript, and listing on criminal docket sheet, hearings before the Ct. in ref. to 73-CR-113, - 20, - 97,filed.rm
2-5-	Motion of def. to strike court order from record for reason of irrelevancy, filed. rm
2-5	Motion of def. to correct transcript re hrg. of 10/17/73, filed. rm
2-10	Notice of appeal from Order denying mo/record vote of grand jury of 1/22/76, filed. rm (copy to USCA, U.S. Atty and Turner)(76-1280)
2-11	Appeal record (1 vol.; orig. & 3 copies) sent to USCA. rm (re 1-22-76 order)
5-14	Order, filed and entered, overruling all pending motions.(AEB-J)rm copies to Turner and U. S. Atty
5-24	Notice of appeal by def. from order of 5/14/76, filed. rm (copy to Ben Baker and USCA)(76-1606; 1607; 1608)
5-24	Motion of def. to designate requested records for appeal, filed. rm
5-28	Response of Govt. to designation of record for appeal, filed. rm
6-1	Motion of def. for Ct. to order transcript of arraignment & hrg. before Judge Daugherty on indictment in 73-CR-97 & information in 73-CR-113, had on 9/5/73, filed. rm
6-3	Order, filed, that deft-appellant's motion for Item 9 to be designated as a part of the appeal record should be overruled; as to the remaining thirteen items, the motion should be sustained.(AEB-J)ph cps mld
6-3	Order, filed, that mo/the deft. for the Ct. to order the Ct. Reporter R. Lee Cook to transcribe deft's arraignment and hearing before the Hon. F. Daugherty on 9-5-73 in case 73-CR-97 is denied and overruled.(AEB-J)ph cps mld

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
6-28-76	Appeal record, re motions (2 vols) sent to USCA.rm				
7-23	Mandate of USCA, filed and spread of record, affirming Judge Daugherty's Order of 1/22/76. rm				
7-23	Letter, filed, from 10th Circuit, denying def. petition for writ of mandamus against Judge Barrow and granting him leave to proceed in f.p. rm				
7-26	Original appeal record (1 vol), re order of 1/22/76, received from USCA. rm				
2-2-77	Motion of def. to proceed in f.p. and for appointment of counsel, filed. rm				
2-2-77	Motion of def. to vacate, set aside, or correct sentence pursuant to 28 USC 2255, filed. rm <i>copy 6-20-77</i>				
2-14	Mandate of 10th Circuit (re motions), filed and spread of record, affirming Court's order. rm <i>5-14-76</i>				
2-15	Order, filed, directing USA to respond to def. 2255 motion within 20 days from this date.(FD-J)rm-copies to USA and Turner				
2-18	Order, filed, allowing Fred Gilbert, Court appt. counsel in 76-C-247-C, to have reasonable access to stenographic notes of proceedings on or about Sept. 18 & Oct. 17, 1973, now in possession of Glen Dorrough, CSR, to investigate their contents, and if desired to transcribe and/or re-record same. (AEB-J)g cp mld.				
3-7	Pltf. response to movant's motion pursuant to 2255, filed. rm <i>filed 3-7-77</i>				
3-9	Original record on appeal, Volumes I (Pleadings) and Volume II (transcript), received from USCA. ph				
3-18	Traverse to Pltf.'s response, fld. by Turner. v				
5-6	Order, filed and entered, that mo/vacate on grounds No. 1 and 2 are denied; deposition of all material witnesses concerning issues in grounds 3, 4 and 5 shall be taken by interrogatories; movant's mo/appt. of counsel is granted and atty. will be appointed by separate order. The Clerk shall allow atty. to withdraw files. Atty to confer with counsel for respondent to develop list of witnesses; interrogatories shall be submitted and filed in case within 60 days from this date. Parties to notify ct. when interrog. filed and case submitted to ct. for determination.(FD-J)rm copies mailed				
7-11	Movant's first set of interrog. to James C. Daugherty, filed. rm				
7-11	Movant's first set of interrog. to John Street, filed.rm				

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73-CR-113 (LARRY DEAN TURNER)

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1977</u> 7-28	Answers to interrogatories by James C. Daugherty pro- pounded by movant, filed. rm				
9-15	Movant's First Set of Interrogs. to Jim Baker, fld. v				
1-23-78	Movant's first set of interogs. to Elma Medler, fld. rm				
1-26	Answer of Jim Baker to movant's first set of interrog., filed. rm				
1-27	Answers of John Street to movant's interrog., filed. rm				
2-6-78	Answer of Mrs. Elma Mae Medler to Movant's 1st Set of Interrogs., fld. v				
3-10	Letter, filed, from Eric Anderson that case is ready for submission for decision. rm <i>4-11-78 (Vol II.)</i>				
6-18-79	APPEAL RECORD (2 vols, re 74-1033 - appeal from jury trial) recd. from USCA. rm <i>- Trial + 2 vols. transmitted Sent to Mary, H. and L. in Okla. City</i>				
7-13-79	LETTER, of 7-9-79 from Deft. to Judge Daugherty. ho				
7-16-79	ORDER, entered It is ordered that movants mot. to vacate, set aside, or correct sentence is denied. (FD-J) ho c/m				
7-26-79	MOTION of deft. to appeal in f.p. rm				
7-26-79	MOTION of deft. to appoint counsel for appeal. rm				
7-26-79	FORMA pauperis affidavit of deft. rm				
7-26-79	NOTICE of appeal by deft. from order of 7/16/79. rm <i>(79-1927)</i>				
8-6	ORDER, It is ordered that the Deft. is to be permitted to prosecute said appeal in forma pauperis. It is further ordered that Defts. mot. to appt. counsel for appeal is denied. (FD-J) ho c/m				
8-22	DESIGNATION of record on appeal by deft. rm				
8-24	APPEAL RECORD (re 2255 motion; 4 vols) transmitted to 10th Cir. rm				
8-31	LETTER from 10th Circuit, assigning No. 79-1927. rm				
<u>1981</u> 1-5	MANDATE & OPINION of 10th Cir., reversing & remanding for further proceedings. rm				
1-9	MOTION & BRIEF of deft. for order of release. k <i>copy to 7-10-81</i>				
1-15	APPEAL RECORD (re 2255 mo.; 4 vols) recd. from USCA. rm				

DATE 1981	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1-19	MOTION of def't. to set bond.k cpy/FD				
1-20	MO: Govt. granted to 1/29/81 to respond to def't. mo/ release.(FD-J)rm-ltr				
1-27	OPPOSITION of Pltf. to mot. for order of release. pt				
1-27	BRIEF of Pltf. in opposition to mot. for order of release. pt				
1-29	LETTER filed as order directing Pltf. to resp. to to Def't's motion to set bond by 2-6-81. (FD-J) pt				
1-30	OPPOSITION AND BRIEF in opposition to motion to set bond.nd				
2-5	SUPPLEMENTAL BRIEF in opposition to motion for order of release.nd				
2-13	ORDER, entered, that def't's mot/vacate sentence & mot/set bond are overruled. (FD-J)k c/m				
2-19	ORDER, entered, denying Def't's mot. for order of release. (FD-J) pt cps/mld				
2-24	Motion of def't. for leave to proceed on appeal in f.p.				
2-24	Affidavit in support of motion. rm				
2-24	Memorandum brief in support of motion. rm				
2-24	Motion of defendant for designation of record on appeal. rm				
2-24	Notice of appeal by def't. from order of 5/6/77 and 2/13/81. rm - c/m USA & USCA(81-1252)				
2-25	MO: ORDERED that def't. mo/proceed in f.p. on appeal is granted. Def't. mo/designate record is not within the scope of this appeal and said motion should be directed to Circuit Ct. for considera- tion.(FD-J)rm-ltr.				
2-26	TRANSMITTED Vol. I to 10th circuit w/copy.am cps/mld				
3-13	LTR. from 10th Cir., assigning 81-1252. rm				
4-8-82	Suppl. Vols. I thru IV transmitted to 10th Cir. at their request. rm				
9-1-82	MANDATE & OPINION of 10th Cir. affirming (81-1252)rm				
9-3-82	Appeal record (Vol. I & suppl. Vols. I-IV)recd.USCA.rm				

DATE 1982	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
11-1	LTR. from 10th Cir.; petition for cert. filed with Supreme Court on 10-22-82 & assigned case no. 82-5597. pt				
11-3	APPEAL RECORD in 81-1252 transmitted to Supreme Ct. at their request. pt <i>cps/mld</i>				
<u>1983</u> 3-14	LTR. from 10th Cir. that Pet/Cert. was denied by Supreme Ct. on 2/28/83. rm				
3-18	APPEAL RECORDS, Vol. I & Suppl. Vols. I-IV, recd. from Supreme Ct. pt				
3-22	EXHIBITS 1 thru 6 returned to deft. hm				
3-28	APPLICATION for return of exhibits. bv				
3-28	ORDER granting that Court Clerk return to pltf trial exhibits #1 through 35 and exhibit "S". (HDC-J) (Order given to HM) bv				
3-29	EXHIBITS returned to pltf. counsel, purs. to Order fld 3-28-83. hm				
<u>1985</u> 2-4	COPY OF ORIGINAL RECORD (Vols. I, II & IV) rec'd from Tenth Circuit. (79-1927). hm				